

**HOUSE BILL NO. 67**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES ROKEBERG, Dyson

Introduced: 1/25/99

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to release of certain persons alleged to have committed certain  
2 sexual offenses."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 12.30.020(a) is amended to read:

5 (a) A person charged with an offense shall, at that person's first appearance  
6 before a judicial officer, be ordered released pending trial on the person's personal  
7 recognizance or upon the execution of an unsecured appearance bond in an amount  
8 specified by the judicial officer unless (1) the offense is a violation of AS 11.41.420,  
9 11.41.425, or 11.41.450 and the alleged victim of the offense is a child under 18  
10 years of age, a violation of AS 11.41.436 - 11.41.440, 11.41.455, or 11.41.458, or  
11 an unclassified felony or a class A felony, or (2) [OR UNLESS] the officer determines  
12 that the release of the person will not reasonably assure the appearance of the person  
13 as required or will pose a danger to the alleged victim, other persons, or the  
14 community. If the offense with which a person is charged is a violation of

1        AS 11.41.440 or a felony, on motion of the prosecuting attorney, the judicial officer  
 2        may allow the prosecuting attorney up to 48 hours to demonstrate that release of the  
 3        person on the person's personal recognizance or upon the execution of an unsecured  
 4        appearance bond will not reasonably assure the appearance of the person or will pose  
 5        a danger to the alleged victim, other persons, or the community.

6        \* **Sec. 2.** AS 12.30.020(b) is amended to read:

7                (b) If a judicial officer determines under (a) of this section that the release of  
 8        a person will not reasonably assure the appearance of the person, or will pose a danger  
 9        to the alleged victim, other persons, or the community, the judicial officer may

10                (1) place the person in the custody of a designated person or  
 11        organization agreeing to supervise the person; **if the person is charged with a**  
 12        **violation of AS 11.41.410 - 11.41.425 or 11.41.450 in which the victim is alleged**  
 13        **to be a child under 18 years of age or a violation of AS 11.41.434 - 11.41.440,**  
 14        **11.41.455, or 11.41.458, the judicial officer may not place the person in the**  
 15        **custody of a designated person or organization under this paragraph unless the**  
 16        **designated person or organization will maintain supervision of the person for 24**  
 17        **hours a day except for any periods personally approved by the officers;**

18                (2) place restrictions on the travel, association, or place of abode of the  
 19        person during the period of release;

20                (3) require the person to return to custody after daylight hours on  
 21        designated conditions;

22                (4) require the execution of an appearance bond in a specified amount  
 23        and the deposit in the registry of the court, in cash or other security, a sum not to  
 24        exceed 10 percent of the amount of the bond; the deposit to be returned upon the  
 25        performance of the condition of release;

26                (5) require the execution of a bail bond with sufficient solvent sureties  
 27        or the deposit of cash; or

28                (6) impose any other condition considered reasonably necessary to  
 29        assure the defendant's appearance as required and the safety of the alleged victim,  
 30        other persons, or the community.

31        \* **Sec. 3.** AS 12.30.020 is amended by adding a new subsection to read:

1           (i) Notwithstanding another provision of this section, a judicial officer shall  
2           solicit comments from the victim and shall consider those comments before making  
3           a decision to release a person who is charged with a violation of AS 11.41.410 -  
4           11.41.425 or 11.41.450 in which the victim is alleged to be a child under 18 years of  
5           age or of AS 11.41.434 - 11.41.440, 11.41.455, or 11.41.458.

6       \* **Sec. 4. APPLICABILITY.** This Act applies to criminal proceedings occurring on or after  
7       the effective date of this Act regardless of whether the criminal offense occurred before, on,  
8       or after the effective date of this Act.